

agency financially accountable for settlements and judgments caused by the misdeeds of their supervisors. The system does work, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to add my appreciation to the NAACP and to all of the employees and the task force, and particularly acknowledge Mr. Kweisi Mfume, who was one of our witnesses, for his leadership and interest on this issue. I want to express my appreciation to all who were engaged in helping with this legislation.

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 169, the NO FEAR legislation. This bill provides essential help to whistleblowers and those that suffer discrimination, and it penalizes agencies that attempt to practice discrimination or punish whistleblowers. Under current law, most judgments or awards against the federal government, including federal agencies, are paid out of a general judgment fund and are not attributed to, or accounted for, by the agency responsible for the claim. This bill requires federal agencies to reimburse the government's judgment fund for amounts paid out in response to a court settlement, award or judgment against an agency in a discrimination or whistleblower protection lawsuit. Hopefully, by making agencies responsible for their actions, we can further decrease the reprehensible practice of discrimination and the needless punishing of whistleblowers.

This bill has several other important provisions which my colleague from Wisconsin has mentioned and so I would just like to take this opportunity to point out and recognize two individuals, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. Both of these individuals live in my district, Montgomery County, Maryland and played an instrumental role in helping this legislation come to the floor today.

Mr. Warren is Chairman of the NAACP Federal Sector Task Force and was asked to investigate and address the ever-growing number of complaints of discrimination within the federal government. Mr. Warren's task force did an admirable job in bringing to light much of the discrimination that federal employees faced.

Dr. Coleman-Adebayo has become well known for her courageous fight against discrimination by the EPA.

She is someone who suffered terribly from her battle but persevered and won her case against the EPA. She has testified in front of both the Science and Judiciary Committees to alert all of us to the seriousness of what transpired in her case. And now, hopefully, because of the NO FEAR bill, the first civil rights bill of the 21st Century, victims of racial, sexual, and hostile work environments, and whistleblowers, will not have to suffer the pain and abuse that Dr. Coleman-Adebayo endured. Let us hope instead that H.R. 169 will push federal agencies to spend their time devising effective plans to address all forms of discrimination in the workplace.

I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 169.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

### YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to provide adequate school facilities within Yosemite National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Yosemite National Park Education Improvement Act".*

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.

(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.

(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.

(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

#### SEC. 3. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or

near the Park upon real property of the United States.

(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of \$750,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local educational agencies do not continue to provide funding for educational services at Park schools at per student levels that are equivalent to or greater than those provided in the fiscal year prior to the date of enactment of this Act.

(e) SOURCE OF PAYMENTS.—

(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:

(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.).

(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note).

(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(D) Emergency appropriations for Yosemite flood recovery.

(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) LOCAL EDUCATIONAL AGENCIES.—The term "local educational agencies" has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.

(2) EDUCATIONAL SERVICES.—The term "educational services" means services that may include maintenance and minor upgrades of facilities and transportation to and from school.

(3) PARK.—The term "Park" means Yosemite National Park.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3421, which I introduced, would authorize the Secretary of the Interior to provide supplemental funding and other services necessary to assist local school districts in providing educational services for students attending three schools located within Yosemite National Park.

The three schools in question are Yosemite Valley, which serves 46 students in K through eighth grades; El Portal Elementary, which serves 50 students

in seven grades; and Wawona Elementary, which serves 20 students in grades K through 8 with only one teacher.

All three schools represent those one-room schools of yesteryear.

Mr. Speaker, California schools are unique in that operating funds for schools are based on an average daily attendance. Since the devastating 1997 Merced River flood, there has been a dramatic reduction in the number of park employees and thus fewer school children attending these schools. With fewer and fewer children attending these schools, fewer State dollars are committed. The result is that the superintendent for Yosemite National Park and the concessionaire serving park visitors are attracting less than qualified candidates to work in the park because families are not provided with adequate schools.

Meanwhile, while the Federal funding sources such as Impact Aid and PILT, which is Payment In Lieu of Taxes, are made available to Mariposa and Madera Counties where these schools exist and through which money is distributed, the reality is very few dollars are actually used to fund these classrooms. In light of these realities, I was able to secure special funding in the amount of \$111,000 in FY 2002 Interior appropriations bills for these schools. However, going to the appropriators every fall for this critical assistance is not the most productive approach.

Therefore, for the reasons I have outlined, the solution before the House today is the best long-term approach to this problem.

Mr. Speaker, during subcommittee and committee considerations, I made a number of changes to H.R. 3421 that address issues raised by the administration, members of the Committee on Resources, and the Committee on Education and the Workforce. For example, the bill makes clear that funds made available by the Secretary under H.R. 3421 will not go towards new construction, construction contracts or major capital improvements, and thus would be limited to general upkeep, maintenance, and classroom teaching. I do not think that we should stand by and permit children of the Park Service and concessionaire employees from being deprived of their education simply because their parents have chosen to work in Yosemite National Park.

Mr. Speaker, H.R. 3421 as amended is supported by the administration and the minority and majority of the Committee on Resources. I urge my colleagues to support H.R. 3421, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I might consume.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3421, sponsored by my distin-

guished colleague and chairman, the gentleman from California (Mr. RADANOVICH), authorizes the National Park Service to provide funds and services to supplement the educational services and facilities provided to the children of Yosemite National Park employees and the park concessionaire at three small local schools located within the park.

The legislation provides a very unique arrangement for funding local schools. As such, a number of issues and problems with the bill as you have heard were raised during a December 2001 hearing on this bill. In fact, while the National Park Service expressed sympathy with the purpose of the bill, they, on behalf of the administration, initially opposed the measure. I appreciate the willingness of the gentleman from California (Mr. RADANOVICH) to make a number of changes requested by the minority, including deleting the use of entrance and user fees to pay for the program, limiting funds to operations and services, and eliminating the authority of the Secretary to assume operation of the schools. There were also negotiations with the Committee on Education and the Workforce which shares jurisdiction on this matter with the Committee on Resources.

As the result of those negotiations, the bill was further amended to include among other things a limit on the authorization of funds to 5 years and a cap on the funds of the lesser of \$750,000 or the amount necessary to provide students with normal educational services.

Mr. Speaker, as I noted earlier, this legislation provides a unique arrangement for funding what should be a local responsibility. However, with the changes that have been made to the bill, I have no objection to its consideration and passage today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3421, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GUNN MCKAY NATURE PRESERVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3909) to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

The Clerk read as follows:

H.R. 3909

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Gunn McKay Nature Preserve Act".

#### SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) PRESERVE.—The term "Preserve" means the Gunn McKay Nature Preserve as so designated by section 3(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

#### SEC. 3. NATURE PRESERVE.

(a) DESIGNATION.—The approximately 15 acres of National Forest System land generally depicted on the map entitled "Proposed Gunn McKay Nature Preserve" and dated March 2002, are hereby designated as the "Gunn McKay Nature Preserve".

(b) MANAGEMENT.—

(1) MANAGEMENT PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in consultation with the City of Huntsville, Utah, and the Gunn McKay Nature Preserve Foundation, Inc., a nonprofit corporation, shall develop a management plan for the Preserve.

(2) COOPERATIVE AGREEMENT.—The Secretary is authorized to enter into a cooperative agreement with the Gunn McKay Nature Preserve Foundation, Inc. for the management of the Preserve.

(c) WITHDRAWAL.—Subject to valid existing rights, the Preserve is hereby withdrawn from all forms of location, entry, and patent under the public land laws, and the mining and mineral leasing laws of the United States, including geothermal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3909 would designate approximately 15 acres of Forest Service land in the State of Utah as the Gunn McKay Nature Preserve in honor of my predecessor, who served in this body from 1971 to 1981. Gunn passed away October of 2000.

Several years ago, residents of Huntsville, Utah, learned that the U.S. Forest Service was planning to build a helicopter landing area. The site near the city limits was to have been on undeveloped Federal lands and used to facilitate fighting wildfires in the surrounding forests.

Huntsville residents became concerned about helicopters landing and taking off in such close proximity in their neighborhoods. They proposed to the Forest Service that this open space instead be designated as a nature preserve. A non-profit organization was formed and the Forest Service agreed with the residents' proposal.

In addition to designating 15 acres as the nature preserve, this bill authorizes the Forest Service to work with the city of Huntsville and the Gunn McKay Nature Preserve Foundation to develop a management plan.

The preserve would be managed by the U.S. Forest Service in cooperation